Previous references.

G. F. 96 of 1903-04.

File No. 34
of 04-05.

1904

(III - Comls.)

Later references.

File No. 34 of 04-05, Sl. nos 6 to 11, B. October 1904.
Do Sl. nos 14015, B Dec: 1904

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 and 2

PART B FOR August 1904

SUBJECT.

Sowars Ziabuddin Khan and Shan Singh, Concerned in the Agaram riot case.

FILE No. 34 of 1904-05.

Sowars Ziabuddin Khan and Shan Singh concerned in the Agaram riot case.

1 From the First Assistant to the Resident in Mysore, No. 3513, dated the 25th July 1904.

Requests that the conditional release of Ziabuddin Khan may be made absolute; that he may be discharged from the bond executed by him and that all further proceedings against Shan Singh may be abandoned.

2 To (1) the Inspector General of Prisons in Mysore, with the bond executed by Sowar Ziabbuddain Khan, (2) the District Magistrate of Bangalore, (3) the Inspector General of Police in Mysore, (4) the Registrar of the Chief Court of Mysore, (5) the Public Prosecutor, Nandidroog Division, No. J. 560-64—J., dated the 29th August 1904.

Remits the whole of the unexpired portion of the sentence passed on Sowar Ziabbuddin Khan, discharges him from the bond executed by him and directs the Public Prosecutor, Nandidroog Division, to withdraw the prosecution instituted against Sowar Shan Singh.

G. R. S.

File G. 96 of 1903-04.

G.R.S. 11] 1904-05

GENERAL AND REVENUE SECRETARIAT.

(Courts.)

NOTES.

File No. 34.

FILE HEADING.

Ziabuddin Khan and Sham Singh, Convicted
the Agaram Riot Case.

From

The First Assistant to the Resident in Mysore

No. 3573 Dated 25th August 04 Received 2nd August

Diary No. J 285	Enclos. -	Spare Copies. -	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests that the conditional release of the former be made absolute, that he may be discharged from his bond; and that under Sec 401 Cr. Proc. code, the whole of the unexpired portion of the Sentence passed on the Sowcar may be remitted & that the proceedings against the latter may be abandoned, if they have not been already done

NOTES AND ORDERS.

Recd 30.8.04

1. The conditional release of Ziabuddin Khan was ordered in Govt. Order No. A dated the 5th June 1904.- and a bond was taken for Rs 200/- for the reappearance of the Sowcar whenever required on the 5th of June also. Submitted with a draft

NOTES—First sheet.

MGCPB—5,000—18-5-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 84 of 1904-05

Serial No.

ordering the absolute release. A draft to the Residency forwarding copy of the order passed in the case is put up with the linked file. Duty awaits A/C

4/8/04 NR 4-8-04 DJ 5/8/04.

2 Two orders are necessary, as section 40, of the Cr. Pro Code applies only to persons actually sentenced. Whether Duty has not been. I have not been able to find out the exact provision of the Code under which Govt. can stay proceedings against an under-trial prisoner. But, no doubt, the deprivation of jurisdiction announced in para 3 of the Resy letter justifies, and duty requires the steps asked for appl. accd.

5.8.04

3. Drafts passed & submitted to the Devan Sahib this 1st Feb. 5.8.1904

263 5.8.04

4 The orders of the Govt of

NOTE—Contn. sheet.

MGCPB—10,000—19-4-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 34 of 1904-05.

Serial No.

India are very clear, and I presume we are under an obligation to give effect to them. All this trouble would have been saved if in the first instance the Durbar had been told that these two men would be dealt with by the British authorities themselves.

5. Draft abandoned

6/8/04

6. Draft submitted to the Dewan Saheb

6.8.1904

807/8-8-04.

7. The Dewan Saheb thought that a report to the Residency was not necessary

7.8.1904

2 As the draft finally prisons with the bond taken from Lakshmi Khan, & the District

MGCPB—10,000—19-5-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 34 of 1904-05.

Serial No.

Magistrate, Bangalore, 3) the Inspector General of Police 4) the Registrar of the Chief Courts of Mysore & 5) the Public Prosecutor, Nundidrug Division No. J 560-66 & 25/8/04

Remits the whole of the unexpired portion of the sentence passed on Lieutenant Khan, Discharges him from the bond executed by him & directs the withdrawal of the prosecution against Khan Singh.

NOTE—Contn. sheet.

MGCPB-10 000—19-5-04

File No 340/04-05
Sl. No 1

1284

1

No.3513

From

R.C.H. Moss King Esquire, I.C.S.,

First Assistant to the Resident in Mysore.

To

The Dewan of Mysore.

PR No 128 dt 25.7.04

Dated Bangalore, 25th July 1904.

Sir,

I am directed to acknowledge with thanks the receipt of Mr. Anantaswami Rao's letter No.G.6200, dated 8th June 1904, regarding the suspension of the sentence passed on Sowar Ziabuddin Khan one of the accused concerned in the Agram riot case.

2. Under the orders of the Government of India I am now to request that the conditional release of Ziabuddin Khan which was announced in the letter referred to above may be made absolute, that he may be discharged from his bond, and that under Section 401 of the Code of Criminal Procedure the Durbar may be pleased to remit the whole of the unexpired portion of this Sowar's sentence. I am also to ask that the further proceedings against the other accused [Shan Singh] may be abandoned if this has not already been done. It is understood that these two accused will be dealt with by the Military authorities.

3. In this connection I am to state that the Government of India have decided that the jurisdiction of criminal Courts in Native States' over Native Officers and soldiers of the British Army should be strictly and exclusively limited to the following cases:-

(i) When a Native soldier while on leave within a Native State commits an offence which renders him subject to arrest, or

(ii) when a Native soldier while on leave within a Native State is arrested for an offence committed by him in that State on some previous occasion; provided that the offence so committed

is

is one of those entered in the schedule to the Indian Extradition Act

4. In communicating these instructions for the information of the Government of His Highness the Maharaja I am to say that the Resident has no doubt that the Durbar will in future carry them out with the same loyalty and goodwill which they have always displayed in their dealings with the Government of India.

I have &c,

(JC) R. M. King
First Assistant Resident.

Ime Chy

NR
3-8-24

560-564.
Order: ~~570-574~~ C. 34-2 9/29/04

In exercise of the powers conferred by section 401 of the Code of Criminal Procedure and in supersession of order No. A 1-5 dated the 5th June 1904, the Government of His Highness the Maharajah of Mysore are pleased to remit the whole of the unexpired portion of the sentence passed on Sowar Ziabuddin Khan of the 2nd Light Cavalry, ~~accused in the Agasandra Police Case~~ (X) Criminal Case No. 128 of 03-04 on the file of Mr. Chengiz Khelly, Senior Assistant Commissioner and 1st class Magistrate of the Closepet ~~Division~~ of the Bangalore District ~~sentenced to one month's~~ rigorous imprisonment and a fine of Rs 25 on the 14th May 1904 and released on bond on the 6th

C.
6/8/04.

Copd. W.R. 29-8-04
Cod. M.M. 29-8-04

June 1904. and to direct that the further proceedings against the latter accused in the Case and, who had absconded during the trial viz Sher Singh, be abandoned.

and to direct that he be discharged from the bond executed by him in pursuance of the said order

5.8.1904

5-8-04

Secy

Secretary

To

The Inspector General of Prisons; in continuation of Office No. A dated the 5th June 1904 and with reference to this No. 454 dated the 4th June 1904, for necessary action, ~~which being issued~~ The bond dept with that letter is herewith returned for cancellation—

The District Magistrate of Bangalore in continuation of No. A3 dated the 5th June 1904.

The Inspector General of Police in Mysore, in continuation of No. A5 dated the 5th June 1904

The Registrar of this Court, in continuation of this office No. A4 dated the 5th June 1904.

2 Under Sec 494 you Code the Public Prosecutor of the Nandydrug is directed to withdraw the prosecution which has been instituted against Sawar Singh in the Court of the Sessions Judge of the Kolar Division

24. VIII. 04

3. These persons will under instructions from the Govt of India be detained with a view

4/8/04 4.8.04

11422/24.VIII.04 5.8.04

27.8.1904

"Jurisdiction of Native state over Native officers and soldiers in the British Army".

After issue of order as altered by the Dewan, the file is re-submitted to 1st Councillor for kind perusal.

JR
31-8-04

Leave under section 494, "the consent of the Court" is indispensable — Q
31-8-04

Submitted.
JR 1-9-04
Orders 1/9/04
Orders 1/9